

A Regular Meeting of the Marilla Town Board was held February 13, 2003 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John R. Foss, Supervisor  
Earl Gingerich, Jr., Councilman  
Barbara Spanitz, Councilman  
Fred Specht, Councilman  
George Gertz, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

### **Communications**

Communications were received and read from:

- a. The Marilla Grill notified the Town of the renewal of their New York State Liquor License.
- b. Notification from the County Executive for the Town's approval of Erie County Consortium Community Development Block Grant for \$25,450 for the Pavilion Sidewalk and \$180,270 for the Rural Transit Service (shared with other Towns).

### **Committee Reports**

Councilman George Gertz reported for Highway Superintendent Dave Pierce that the Town is in good shape with its salt supply and things are going well despite the hard winter weather.

Councilman Gingerich reported that the Library is having problems with water leakage, the estimated cost of repairs is \$800. He also reported that there may be additional grant money available for PACE from the Department of Ag & Markets, it must be applied for by March 14<sup>th</sup> and it is a ratio of them funding 75 percent to the Town matching 25 percent. He stated that the next Sesqui-Centennial meeting will be held on the 26<sup>th</sup> of February at 7:00 pm at the Community Center.

Councilman Spanitz reported that the Marilla Memorial Pavilion Committee will have a ground breaking ceremony on June 8<sup>th</sup> and there are lots of activities planned for the spring and summer, Krispy Krème donut sales, a booth at the Firemen's Carnival for June 14<sup>th</sup> & 15<sup>th</sup> and a concert and chicken barbecue on July 21<sup>st</sup>.

Councilman Gertz reported that the County is prepared for a disaster. After the 9/11 terrorist act the Erie County Disaster Coordinator is very prepared.

Councilman and Deputy Supervisor Fred Specht reported that the work on the Community Center is progressing. New cold air returns have been installed and sub panels for the storage area is complete and insulation will be installed shortly. He wanted to take this time to clarify why the town is spending so much money on this building that is only seven years old. On March 9<sup>th</sup> 1993 the Town Board passed a resolution to purchase 1810 Two Rod Road for a Community Center. On April 5<sup>th</sup> 1993 petitions were given to the Town Clerk calling for a public referendum, then on May 3<sup>rd</sup> 1993 immediately after the Town Board Meeting 8-10 residents who carried those petitions were served a summons. On June 8<sup>th</sup> 1993 a special election was held with a majority vote to purchase the Community Center property. July 15<sup>th</sup> 1993 bids were opened with a total cost of \$707,250 for the two buildings (it is important to note that although it is not unlawful, prints were not stamped or approved by the building inspector). On August 3<sup>rd</sup> the Building Inspector informs the Town Board that the prints do not meet code. There was a meeting held on August 5<sup>th</sup> 1993 with the Town Board Members, Building Inspector and the Architect to resolve these issues. In September of 1993 Supervisor Earl Jann ordered the Building Inspector to issue a building permit. I was the Building Inspector at that time and refused. I told Mr. Jann and the Town Board that until I received stamped prints that meet code, energy code calculations, Erie County Health approval and proof of ownership I would not issue a permit. In late September the

contractor was told by the Town Board that he could start construction. In November of 1993 a council person told me to stop harassing the contractor and any inspections required would be performed by the assistant building inspector Ed Dekarz. In January of 1994 I was not re-appointed as Chief Building Inspector and was replaced by Ed Dekarz and Marty Boyce. May 25<sup>th</sup> 1994 building permit #46 was issued by Ed Dekarz for the Community Center and on June 27<sup>th</sup> 1995 the certificate of Occupancy #15 was issued by Ed Dekarz.

Supervisor Foss reported that the Town of Marilla ended 2002 in excellent financial shape and is prepared to provide all current services without raising taxes. The downturn in our economy may cut into our fund balances but proper financial planning and an efficient work force will allow the Town of Marilla to continue business as usual and that includes doing special projects such as purchasing the Agway Mill. The year end balances are as follows: General Fund \$535,627 which is up \$156,501, Highway \$132,000 this is down \$13,850 due to the increased snowplowing we have had to do and the purchase of a new snowplow truck. Sanitation \$79,367 this is up \$46,845 due to the lower rate we were able to obtain for disposal of our garbage. I have finished preparing the documents for our bond bid for \$2,140,000. The bid date is April 1<sup>st</sup> with settlement date April 10<sup>th</sup>. I have talked to our fiscal advisors and due to our excellent credit rating and the current market we should expect to borrow these funds at a rate under 2%. The year end report is currently being worked on by Kotas & Kotas and I have already completed part of the report. We will file the report in timely matter by March 1<sup>st</sup> deadline. We will be approving our insurance program later in the meeting. The rates are up 22% but based on what has been happening in the insurance industry I believe it is in line and represents a very good rate for the Town.

### **Open Board Presentations From the Public**

#### **Old Business**

Motion: Councilman Gingerich moved, seconded by Councilman Specht to approve Minutes from the Regular Meetings held on 1/9/03 and the Special Meeting held on 1/14/03. Motion Carried.

#### **New Business**

Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to appoint Mary Beth Wolf to the Conservation Advisory Board to fulfill the term of the late Melvin Parker to expire on 12/31/2003. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to approve Insurance Contract with Tompkins Insurance retroactive to 2/1/03 for \$46,910.83 and authorize the Supervisor to prepay the account. Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to approve the new forms and filing fee of \$125 for the Zoning Board of Appeals applications. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gingerich to approve bids from Leonard Blizniak for \$11,000 and Cullen Plumbing for \$3,500 for work at the Historical Society's Annex. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gingerich to approve the following resolution:

The Town Board of the Town of Marilla approves and consents to the filing of an Amendment to the Certificate of Incorporation of Marilla Fire Company, Inc., to update the description of the corporation's purposes and to add provisions needed to qualify for tax-exempt status under section 501c (3) of the Internal Revenue Code.

Roll Call Vote:

Councilman Spanitz – aye  
Councilman Gertz – aye  
Supervisor Foss - aye  
Motion Carried.

Councilman Gingerich - aye  
Councilman Specht – aye

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to approve Bond Council of Hodgson Russ LLP for the Town of Marilla.  
Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to set public hearing date for March 13<sup>th</sup> 2003 at 7:30 p.m. for the Increase in income levels for the Senior Citizen and Disability Exemptions. Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Specht to approve repairs at the Marilla Free Library at a cost of \$800.  
Motion Carried.

### **Report of Town Officials**

Town Engineer Marie Nowak from Nussbaumer and Clarke's Office reported that Alden is now going to increase their line size for the joint water district as we had suggested. She also reported that M J Mechanical will provide us with a manual for the new computer for the thermostat at the Community Center.

Building Inspector John Fronczek submitted a written report with 4 building applications received totaling fees of \$ 420, 4 building permits issued with a value of \$140,000, 6 inspections were made, and 0 complaints were acted on. A total of 89 acts of official business were made for the month of January.

Planning Board minutes were received and posted and Planning Board Chairman Judy Gillman stated that the next meeting will be held on 2/20/03 at 7:30 pm.

Conservation Advisory Board minutes have been received and posted.

Councilman George Gertz reported for the Marilla Fire Company that they had acquired a new piece of equipment, a 4-wheel ATV, this is very helpful in a rural community. We received this at no cost to the Fire Company due to grants from the State and County.

Town Historian Hubert Kutter reported that he and Jeff Lewinski are working on the Sesqui Centennial Book.

### **Open Board Presentations**

Councilman Specht also wanted to state that the 10 people who carried petitions for the purchase of the property for the Community Center were not against the project but felt it should be brought before the public.

Councilman Spanitz explained that she represents 4 different organizations and is impressed with the work that they do and the Engineering Consultant.

Supervisor Foss stated that we purchased the old Agway building and we have to come up with demolition plans.

Planning Board Member and past Chairman wanted to thank Bob Miller from Nussbaumer and Clarke for his hard work.

Resident Gloria Specht from Eastwood Road said she was one of the ten residents who carried those petitions and wanted the Town to be aware of the poor condition of the building.

Resident Robert Guest of Two Rod Road asked what will happen with the Goller/Hubbard property with the proposed Senior Housing Complex, he wondered if it had gone any further.

Supervisor Foss responded that it has not progressed any further at this time and they would be informed in writing if they live within a certain radius if it should.

Resident Donna Guest of Two Rod Road has two concerns about this proposed project, one being traffic safety and second the de-valuation of the surrounding properties.

Historical Society Chairman Diane Fronczek thanked the Town Board for the contribution to the Historical Annex.

Planning Board Member Dan Handy responded to Mr. & Mrs. Guest that the Planning Board had addressed their concerns previously.

Mr. Handy also stated that the issue about Mr. Miller should not have been criticized publicly.

All claims have been previously reviewed by Councilman Spanitz and Councilman Gertz.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to approve the claims as follows:

General Fund Claims, Vouchers 15-60	\$ 27,274.18
Highway Fund Claims, Vouchers 15-42	\$ 27,124.97
Special Districts	
Sanitation (SR), Vouchers 6-23	\$ 10,894.12
Special Fire, Voucher 1	\$ 92.75
Special Lighting, Vouchers 1-2	\$ 201.33
Water District #2, Vouchers 2-3	\$ 2,325.08
Water District #3, Voucher 1	\$ 1,231.19
Water District #4, Voucher 1	\$ 743.59
Community Development PACE 1-2	\$ 12,823.75
Community Develop. HUD	\$ .00

Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Specht to adjourn the meeting at 8:15 p.m. Motion Carried.

Respectfully Submitted,

_____ Town Clerk	_____ Supervisor
_____ Councilman	_____ Councilman
_____ Councilman	_____ Councilman